

Translation

PATENT COOPERATION TREATY

PCT/EP2003/011383



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 100 229 a/se	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/011383	International filing date (day/month/year) 14 October 2003 (14.10.2003)	Priority date (day/month/year) 16 October 2002 (16.10.2002)
International Patent Classification (IPC) or national classification and IPC B29C 67/20, B01D 39/16, B29K 23/00		
Applicant PFLEIDERER WATER SYSTEMS GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 14 May 2004 (14.05.2004)	Date of completion of this report 04 February 2005 (04.02.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed

☒ the description:

pages _____ 1-7 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the claims:

pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-8 _____, filed with the letter of _____ 13.1.05

☐ the drawings:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-4, 6, 7, 8	YES
	Claims	5	NO
Inventive step (IS)	Claims	1-4, 7	YES
	Claims	5, 6, 8	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: EP-A-645419

D3: FR-A-1277617

D4: BE-A-561346

2. The following observations are made with regard to the requirements of PCT Article 6.

2.1 In the opinion of the examiner section, the size or shape of the pellets is a feature of the raw material of the plastics moulding in claim 1 and not a feature of the plastics moulding in claim 1. The dimensions of the plastics moulding in claim 1 are dependent on the fusion and sintering processes. What is evidently intended here is an indication of the value of the maximum distance between unsintered surface and agglomerated pellets. In formal terms, the subject matter of claim 1 lacks clarity.

2.2 In the opinion of the examiner section, where heating step (b) takes place in a mould, certain conditions apparently have to be met in order to

achieve fusion of the pellet surfaces owing to the different positions of the pellets in the mould and the uniform heat penetration depth. The subject matter of claim 5 is therefore not absolutely clear (see also PCT International Search and Preliminary Examination Guidelines, paragraph 5.35).

- 2.3 Method claim 5 contains no method features designed to achieve an apparent density as per DIN ISO 60 in the range 150 to 250 g/l, as defined in independent claim 1. A person skilled in the art is therefore unable to determine the technical method conditions required to achieve the desired result. The subject matter of claim 5 therefore lacks clarity (cf. PCT International Search and Preliminary Examination Guidelines, paragraph 5.35).
- 2.4 Furthermore, the physical entity in claim 8 cannot be made by the method defined in claim 5 without further measures (cf. PCT International Search and Preliminary Examination Guidelines, paragraph 5.15).
- 2.5 Claims 1 and 8 have been drafted as separate, independent claims in the same category. According to the PCT International Search and Preliminary Examination Guidelines, paragraph 5.15, the independent claims are to include all the essential features of an invention. This requirement is not satisfied in the present case, cf. PCT Article 6 in conjunction with PCT Rule 6.4.
3. The following statements are made, still with reference to point 2 above.

into a mould, the size of the pellets being in the range 2 to 10 mm,

- (b) heating the plastics pellets to a temperature at which the plastics pellets begin to melt only on the surface but do not melt right through,
- (c) cooling to room temperature and
- (d) releasing the sintered plastics moulding from the mould.

The subject matter of claim 5 does not therefore satisfy the requirement of PCT Article 33(2).

- 3.3 Although D1 suggests that the plastics mouldings can be used as filter material (cf. page 5, lines 24 to 28), a use of plastics mouldings as defined in claim 1 is not disclosed.

The subject matter therefore appears to satisfy the criteria of PCT Article 33(2) and (3).

- 4.1 Quenching as stated in claim 6 is not known from D1, D3 or D4. The examiner section cannot identify a problem of interest.

- 4.2 Regarding claim 8, reference is made to point 2.

5. Claims 1 to 8 satisfy the criterion of PCT Article 33(4).

- 6.1 Contrary to the requirements of PCT Rule 5.1(a)(ii) D1 has not been acknowledged in the description.

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6.2 Contrary to PCT Rule 5.1(a)(iii), the description
has not been brought into line with the claims.